



2006, Deputy Edgar was served on June 9, 2006, and Deputy Inabinett was served on June 10, 2006. In the Complaint, the Plaintiff alleges various state law negligence and wantonness claims. (Complaint at pp. 6-20.) The Plaintiff also avers that she is bringing this action “pursuant to 42 U.S.C. § 1983, et seq.” (Complaint at ¶ 14.) The Plaintiff alleges that her deceased’s Fifth and Fourteenth Amendment rights were violated. Id.

2. Unanimity of defendants in requesting removal is not required where *inter alia* “the removed claim is separate and independent under 28 U.S.C. § 1441(c)”. Retirement Systems of Alabama v. Merrill Lynch & Co., 209 F.Supp.2d 1257, 1262 n.8 (M.D. Ala. 2002). A separate and independent claim is one “within the jurisdiction conferred by section 1331.” 28 U.S.C. § 1441(c). Section 1983 claims fall within the federal question jurisdiction of the Court as they are “civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Sheriff Clark, Deputy Edgar, and Deputy Inabinett are the only governmental official defendants who could face the Plaintiff’s separate and independent § 1983 claim. Their consent, therefore, is all that is required.

3. Defendants desire to exercise their rights under the provisions of Title 28 U.S.C. § 1441(c) to remove this action from the Circuit Court of Covington County, Alabama, in which said action is now pending under the above-styled title.

4. This is a civil action of which the District Courts of the United States have been given original jurisdiction under 28 U.S.C. § 1331 and principles of supplemental jurisdiction under 28 U.S.C. § 1367 affords the right to remove the entire case to this Court.

WHEREFORE, PREMISES CONSIDERED, Defendants Covington County Sheriff Anthony Clark, Covington County Deputy Sheriff Jerry Edgar, and Covington County Deputy Sheriff Walter Inabinett, respectfully file this Notice of Removal pursuant to 28 U.S.C. § 1446,

removing this action from the Circuit Court of Covington County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division.

Respectfully submitted on this 5th day of July, 2006.

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DARYL L. MASTERS	(DLM018)
GARY L. WILLFORD, JR.	(WIL198)

ATTORNEYS FOR DEFENDANTS COVINGTON  
COUNTY SHERIFF ANTHONY CLARK, COVINGTON  
COUNTY DEPUTY SHERIFF JERRY EDGAR, AND  
COVINGTON COUNTY DEPUTY SHERIFF WALTER  
INABINETT

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing Notice of Removal by placing a copy of the same in the United States Mail, postage prepaid, upon:

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Britt V. Bethea, Esq.  
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this 5th day of July, 2006.

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OF COUNSEL